

**REMARKS**

**STATUS OF THE CLAIMS**

Claims 2-7, 9, and 11-13 are pending in the application.

Claims 3, 9, 11-13 are rejected under 35 USC 112, first paragraph, for failing to comply with the enablement requirement.

Claims 3, 9, 11-13 are rejected under 35 USC 112, second paragraph, for indefiniteness, because of insufficient antecedent basis for the phrase "display output control." According to the forgoing, the claims are amended taking into consideration the Examiner's comments.

Withdrawal of the indefiniteness rejection is respectfully requested.

Claims 2-7, 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al. (US 5,938,734), Ueno et al. (US 6,438,596) and Kanazawa et al. (US 6,580,870).

According to the foregoing, claim 5 is cancelled without disclaimer or prejudice, the claims are amended, and thus, pending claims remain for reconsideration, which is respectfully requested.

No new matter has been added.

**REJECTIONS**

**35 USC 112, FIRST PARAGRAPH, REJECTION**

Claims 3, 9, 11-13 are rejected under 35 USC 112, first paragraph, for failing to comply with the enablement requirement concerning the claim phrase "display output control." Enabling support can be found, for example, in the present Application FIG. 16 and page 74, line 6 to page 78, line 15. For example, FIG. 16 provides "display size" as a "display output control." One skilled in the art would know how to make and use the claimed embodiment providing an apparatus controlling over a network the "display size" as "a display output control" at a receiving device. For example, page 74, lines 9-11 provides "However, it is also possible to carry out the **display control** and the like by using client control information J<sub>4</sub> shown in FIG. 16" (emphasis added).

Accordingly, withdrawal of the 35 USC 112, first paragraph, rejection is respectfully

requested.

### 35 USC 103 REJECTION

According to the foregoing, the independent claims 3, 9, 11, 12, 13 and 18 are amended in view of a telephonic interview with the Examiner on December 8, 2006, discussing incorporation of patentably distinguishing features from dependent claims 3 and 4 into the independent claims. Thus, entry and reconsideration of the amended claims and remarks is respectfully requested, because it is believed in view of the clarifying remarks and the independent claims, now incorporating a patentably distinguishing feature from dependent claims 4 and 5, the claims are in condition for allowance, which is respectfully requested.

An interview with the Examiner in view of the present amendment is respectfully requested.

For example, the present application FIG. 16; page 116, lines 13-15; and page 74, line 6 to page 78, line 15 support the claim amendments.

Kanazawa column 8, lines 50-63, as relied upon in the Office Action page 5 to reject independent claims feature "**a display output control** ...", relates to designation of content to be displayed, but the claimed embodiment, using claim 3 as an example, controls, over a network, "**a display output control of the stream information of the content to be reproduced at the receiving device**, the display output control related to one or more of display output control permission, or a display layout comprising one or more of a display size or a display position, or a reproduction speed, or an image quality comprising one or more of a number of display colors, a lightness or a chroma, or whether to superimpose the content with another content" and "**wherein said reproduction control unit prohibits and/or permits an execution of an external control relating to the reproduction at said receiving device**."

Kanazawa column 8, lines 50-63 discusses:

... external information is acquired on the basis of the information management table 40b in the reproduction of the title information (encoded stream) 40a) stored in the DVD 40. However, the present invention is can be applied to a reproduction system designed mainly for TV broadcasting or CATV (such a system is also called "set top box" IRD (integrated receiver decoder)), which can acquire stream data corresponding to the title information 40a." information management table 40b.

However, Kanazawa column 5, lines 10-63 discusses that the information management table 40b "is composed of pieces of identification information ... for identifying individual streams in the title information 40a and access information (or link information) 30." Thus, Kanazawa's information management table 40b identifies content to be displayed, but Kanazawa fails to disclose, or suggest to one skilled in the art to be modified, to provide the claimed "**a display output control of the stream information of the content to be reproduced at the receiving device**, the display output control related to one or more of display output control permission, or a display layout comprising one or more of a display size or a display position, or a reproduction speed, or an image quality comprising one or more of a number of display colors, a lightness or a chroma, or whether to superimpose the content with another content." Further, clearly Kanazawa fails to disclose or suggest the claimed "**wherein said reproduction control unit prohibits and/or permits an execution of an external control relating to the reproduction at said receiving device**," because Kanazawa's management table 40b is silent on any "**prohibits and/or permits ... an external control ... at said receiving device**."

The Office Action page 6, items 6 and 7 relies upon Ueno column 18, lines 43-57 and Ueno column 14, lines 11-30 to reject dependent claims 4 and 5 features, respectively. Ueno column 18, lines 43-57 only discusses "Since there are upper limits with respect to the number of simultaneous accesses to the same video source and the number of users to which services are able to be offered at the same time for each server, a new demand for service is not able to be accepted when they have already reached the upper limit." However, clearly whether Ueno's server accepts or not accepts a new service demand differs from the claimed "**prohibits and/or permits an execution of an external control relating to the reproduction at said receiving device**," because a service demand to a server from a user differs from whether "**an external control** of reproduction at the receiving device is prohibited and/or permitted. Further, Ueno column 14, lines 11-30 only discuss a guaranteed minimum data transmission rate, which clearly differs from the claimed "**wherein said reproduction control unit prohibits and/or permits an execution of an external control relating to the reproduction at said receiving device**," because a guaranteed minimum data transmission differs from whether "**an external control** of reproduction at the receiving device is prohibited and/or permitted.

A prima facie case of obviousness based upon Yao, Ueno and Kanazawa cannot be established, if the discussions of Yao, Ueno and Kanazawa are specifically applied to the

language of the independent claims, because Yao discusses realizing a supply of real-time stream data with different data rates by a scheduling scheme using constant time-slot interval and transfer start timing period - Abstract, column 3, but is silent on the claimed "***over the network ... a display output control of the stream information of the content to be reproduced at the receiving device ...***" Furthermore, Ueno's "communication-network-resources management control" cannot meet, either expressly or impliedly, and does not provide any suggestion to be modified, to meet the claimed "***reproduction control unit,***" because the language of the claims do not only recite "***a reproduction control unit,***" but in contrast to Ueno, for example, independent claim 3 provides "***a reproduction control unit ... to control, over the network according to reproduction instructions, a display output control of the stream information of the content to be reproduced at the receiving device,*** the display output control related to one or more of ***display output control permission, or a display layout comprising one or more of a display size or a display position, or a reproduction speed, or an image quality comprising one or more of a number of display colors, a lightness or a chroma, or whether to superimpose the content with another content.***"

Thus, Yao and Ueno fail to disclose or suggest the claimed embodiment and also Kanazawa information management table 40b only designates content to be displayed, which fails to disclose, or suggest to one skilled in the art to be combined with Yao and Ueno and modified, to provide the claimed "***a display output control of the stream information of the content to be reproduced at the receiving device,*** the display output control related to one or more of ***display output control permission, or a display layout comprising one or more of a display size or a display position, or a reproduction speed, or an image quality comprising one or more of a number of display colors, a lightness or a chroma, or whether to superimpose the content with another content ... wherein said reproduction control unit prohibits and/or permits an execution of an external control relating to the reproduction at said receiving device.***" At least Kanazawa's management table 40b is silent on any "**prohibits and/or permits ... an external control ... at said receiving device,**" and further, Yao and Ueno fail to disclose or suggest the same.

For example, in contrast to Yao, Ueno and Kanazawa, dependent claim 6 provides "an editing unit receiving the content as the real-time reproducible stream information from an information distribution device, and ***editing*** and distributing the received real-time reproducible

stream information, wherein the display output control by the reproduction control unit controls the receiving device regarding the real-time reproduction of its according to the edited stream information.” For example, the present application page 64, line 11 to page 65, line 19 support claim 6.

Regarding claim 18, Kanazawa column 8, lines 50-63, as relied upon in the Office Action page 8, item 10 to reject claim 18, is also silent on the claimed “wherein the reproduction control unit controller controls the distribution of the content and/or the display output control of the content at the receiving device according to traffic volume of the network and/or processing capacity of the receiving device.” For example, the present application page 65, line 6 to page 66, line 19 supports this claimed feature.

In view of the claim amendments and remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,  
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